

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVANCED VIDEO TECHNOLOGIES LLC,

Plaintiff,

v.

PURE DIGITAL TECHNOLOGY, INC.

Defendant.

08 Civ. 3627 (CM)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District

Courts for the Southern and Eastern Districts of New York, I, Edward J. DeFranco a member in
good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac
vice of:

Applicant's Name: Claude M. Stern ✓

Firm Name: Quinn Emanuel Urquhart Oliver & Hedges, LLP

Address: 555 Twin Dolphin Shores, Suite 650

City/State/Zip: Redwood Shores, California 94065

Phone Number: (650) 801-5000

Fax Number: (650) 801-5100

Claude M. Stern is a member in good standing of the Bar of the State of
California. There are no pending disciplinary proceeding against Claude M. Stern in any State or
Federal court. And,

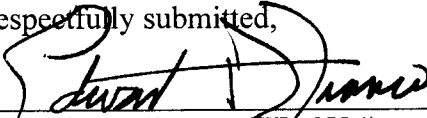
Applicant's Name: Evette D. Pennypacker ✓

Firm Name: Quinn Emanuel Urquhart Oliver & Hedges, LLP
Address: 555 Twin Dolphin Shores, Suite 650
City/State/Zip: Redwood Shores, California 94065
Phone Number: (650) 801-5000
Fax Number: (650) 801-5100

Evette D. Pennypacker is a member in good standing of the Bar of the State of California. There are no pending disciplinary proceedings against Evette D. Pennypacker in any State or Federal Court.

Dated: New York, New York
July 2, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward J. DeFranco", is written over a horizontal line.

Edward J. DeFranco (ED 6524)
QUINN, EMANUEL, URQUHART,
OLIVER & HEDGES, LLP

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

ADVANCED VIDEO TECHNOLOGIES LLC,

Plaintiff,

08 Civ. 3627 (CM)

V.

PURE DIGITAL TECHNOLOGY, INC.

Defendant.

**DECLARATION OF EDWARD J. DEFRANCO
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*
OF CLAUDE M. STERN, AND EVETTE D. PENNYPACKER**

Edward J. DeFranco, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for Pure Digital Technologies, Inc. (mistakenly identified in the caption as Pure Digital Technology, Inc.). I make this declaration in support of Pure Digital Technologies, Inc.'s motion allowing Claude M. Stern and Evette D. Pennypacker attorneys in the Silicon Valley offices of Quinn Emanuel Urquhart Oliver & Hedges, LLP to appear in this matter *pro hac vice*.

2. I am a member in good standing of the bar of the State of New York and a member of the Bar of this Court.

3. Claude M. Stern is a member in good standing in the Bar of the State of California.

4. Evette D. Pennypacker is a member in good standing in the Bar of the State of California.

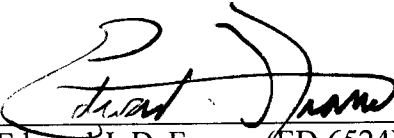
5. Claude M. Stern and Evette D. Pennypacker have performed extensive legal work for Pure Digital Technologies, Inc. related to the subject matter of this action and will meaningfully participate in the prosecution of this action.

6. I respectfully submit a proposed order granting the admission of Claude M. Stern, *pro hac vice*, which is attached hereto as Exhibit A.

7. I respectfully submit a proposed order granting the admission of Evette D. Pennypacker, *pro hac vice*, which is attached hereto as Exhibit B.

Wherefore, Declarant respectfully requests the motion to allow Claude M. Stern and Evette D. Pennypacker to appear *pro hac vice* in this matter be granted.

Dated: New York, New York
July 2, 2008



Edward J. DeFranco (ED 6524)
QUINN, EMANUEL, URQUHART,
OLIVER & HEDGES, LLP

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADVANCED VIDEO TECHNOLOGIES LLC,

Plaintiff,

v.

PURE DIGITAL TECHNOLOGY, INC.

Defendant.

08 Civ. 3627 (CM)

**PROPOSED ORDER GRANTING
APPLICATION FOR ADMISSION
OF ATTORNEY *PRO HAC VICE***

-----X
This matter having been presented to the Court, and upon reading the accompanying
Declaration of Edward J. DeFranco dated July 2, 2008 it is hereby

ORDERED, that Claude M. Stern is admitted to practice pro hac vice as counsel
for Pure Digital Technologies, Inc. (mistakenly identified in the caption as Pure Digital
Technology, Inc.) in the above captioned case in the United States District Court for the
Southern District of New York. All attorneys appearing before this Court are subject to the
Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is
assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an
ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of
Court.

SO ORDERED:

Dated: _____

Honorable Colleen McMahon
United States District Judge

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVANCED VIDEO TECHNOLOGIES LLC,

Plaintiff,

08 Civ. 3627 (CM)

V.

PURE DIGITAL TECHNOLOGY, INC.

Defendant.

**PROPOSED ORDER GRANTING
APPLICATION FOR ADMISSION
OF ATTORNEY *PRO HAC VICE***

This matter having been presented to the Court, and upon reading the accompanying Declaration of Edward J. DeFranco dated July 2, 2008 it is hereby

ORDERED, that Evette D. Pennypacker is admitted to practice pro hac vice as counsel for Pure Digital Technologies, Inc. (mistakenly identified in the caption as Pure Digital Technology, Inc.) in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

SO ORDERED:

Dated:

Honorable Colleen McMahon
United States District Judge



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 27, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, EVETTE DIONNA PENNYPACKER, #203515 was admitted to the practice of law in this state by the Supreme Court of California on December 6, 1999; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 27, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, CLAUDE MICHAEL STERN, #96737 was admitted to the practice of law in this state by the Supreme Court of California on December 19, 1980; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVANCED VIDEO TECHNOLOGIES LLC,

Plaintiff,

v.

PURE DIGITAL TECHNOLOGY, INC.,

Defendant.

Index No. 08 Civ. 3627 (CM)

Assigned to

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Mado Martinez, being duly sworn deposes and says:

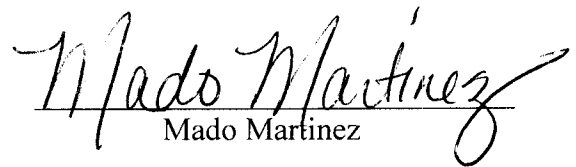
She is over the age of eighteen years old, not a party to this action and resides at Bronx,
New York.

That on July 2, 2008, I served by first class mail, a true and correct copy of the attached
MOTION TO ADMIT COUNSEL *PRO HAC VICE* by depositing a true and correct copy in a
sealed properly addressed envelope, as follows:

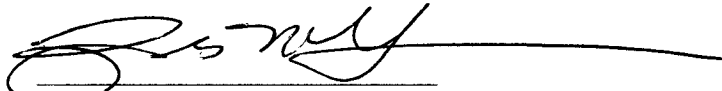
Orville Ricardo Cockings
Stephen F. Roth
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

Stanley Steven Zinner
Stanley S. Zinner, P.C.
58 South Service Road, Suite 410
Melville, NY 11747

and by depositing the first class envelope in an official depository under the exclusive case and custody of a United States Postal Service located within New York State.


Mado Martinez

Sworn before me, this
2nd day of July, 2008


Notary Public

Roy G. Nelson
Notary Public, State of New York
No. 01NE6144285
Qualified in Nassau County
Certificate filed in New York County
Commission Expires April 24, 2010